

Ahilan T. Arulanantham (SBN 237841)
arulanantham@law.ucla.edu
CENTER FOR IMMIGRATION LAW AND
POLICY, UCLA SCHOOL OF LAW
385 Charles E. Young Dr. East
Los Angeles, CA 90095
Telephone: (310) 825-1029

Emilou MacLean (SBN 319071)
emaclean@aclunc.org
Michelle (Minju) Y. Cho (SBN 321939)
mcho@aclunc.org
Amanda Young (SBN 359753)
ayoung@aclunc.org
ACLU FOUNDATION
OF NORTHERN CALIFORNIA
39 Drumm Street
San Francisco, CA 94111-4805
Telephone: (415) 621-2493
Facsimile: (415) 863-7832

Attorneys for Plaintiffs
[Additional Counsel Listed on Next Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, DENIS
MOLINA, JHONY SILVA, MARIA ELENA
HERNANDEZ, O.C., SANDHYA LAMA,
S.K., TEOFILO MARTINEZ,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-05687-TLT

**DECLARATION OF EMILOU H.
MACLEAN IN SUPPORT OF PLAINTIFFS'
REPLY TO MOTION FOR SUMMARY
JUDGMENT**

1 Additional Counsel for Plaintiffs

2 Jessica Karp Bansal (SBN 277347)
jessica@ndlon.org

3 Lauren Michel Wilfong (Admitted *Pro Hac Vice*)
lwilfong@ndlon.org

4 NATIONAL DAY LABORER ORGANIZING NETWORK
1030 S. Arroyo Parkway, Suite 106
5 Pasadena, CA 91105
Telephone: (626) 214-5689

6 Eva L. Bitrán (SBN 302081)

7 ebitran@aclusocal.org

Diana Sánchez (SBN 338871)

8 dianasanchez@aclusocal.org

ACLU FOUNDATION

9 OF SOUTHERN CALIFORNIA

1313 West 8th Street

10 Los Angeles, CA 90017

Telephone: (213) 977-5236

11 Erik Crew (Admitted *Pro Hac Vice*)

12 ecrew@haitianbridge.org

HAITIAN BRIDGE ALLIANCE

13 4560 Alvarado Canyon Road, Suite 1H

San Diego, CA 92120

14 Telephone: (949) 603-7411

1 I, Emilou H. MacLean, hereby declare:

2 1. I am an attorney at law licensed to practice in the State of California, and I am a
3 Senior Staff Attorney at the American Civil Liberties Union Foundation of Northern California
4 (“ACLUF-NC”). I am counsel of record for Plaintiffs in this action and I make this declaration in
5 support of Plaintiffs’ Reply to Motion for Summary Judgment on behalf of the American Civil
6 Liberties Union Foundation of Northern California (“ACLUF-NC”) and the American Civil
7 Liberties Union Foundation of Southern California (“ACLUF-SC”). I have personal knowledge of
8 the facts set forth herein, and if called upon to testify as a witness thereto, I could and would
9 competently do so under oath.

10 2. Attached hereto as **Exhibit 1** is a true and correct copy of email communications
11 dated between April 21 and April 22, 2015, with the subject “HAD-PRD Touch Base on TPS,”
12 produced by Defendants and bearing Bates number NTPSA2_00001690.

13 3. Attached hereto as **Exhibit 2** is a true and correct copy of email communications
14 dated between February 28 and May 12, 2025, with the subject “TPS country condition research
15 Haiti Honduras Nicaragua,” produced by Defendants and bearing Bates numbers
16 NTPSA2_00002523 and NTPSA2_00002524.

17 4. Attached hereto as **Exhibit 3** is a true and correct copy of the draft USCIS RAIO
18 Country Conditions Report for Nicaragua TPS titled “Temporary Protected Status (TPS)
19 Considerations: Nicaragua (April 2025),” produced by Defendants and bearing Bates number
20 NTPSA2_00002423.

21 5. Attached hereto as **Exhibit 4** is a true and correct copy of a USCIS Office of Policy
22 and Strategy (OP&S) Report titled “TPS County Conditions Update: Nepal and Cameroon,” dated
23 March 2025, produced by Defendants and bearing Bates number NTPSA2_00001628.

24 6. Attached hereto as **Exhibit 5** is a true and correct copy of a USCIS OP&S Report
25 titled “TPS Country Conditions Update: Haiti, Honduras and Nicaragua,” produced by Defendants
26 and bearing Bates number NTPSA2_00001562.

27 7. Attached hereto as **Exhibit 6** is a true and correct copy of a U.S. Department of
28 Homeland Security Memorandum titled “Nicaragua as TPS-Designated County: Comparison of

Country Conditions between Initial and Latest,” produced by Defendants and bearing Bates number NTPSA2_00001700.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a U.S. Department of Homeland Security Memorandum titled “Honduras as TPS-Designated Country: Comparison of Country Conditions between Initial and Latest,” produced by Defendants and bearing Bates number NTPSA2_00001699.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a memorandum titled “Haiti as TPS-Designated Country: Comparison of Country Conditions between Initial and Latest,” produced by Defendants and bearing Bates number NTPSA2_00001564.

10. Attached hereto as **Exhibit 9** is a true and correct copy of email communications dated April 8, 2025, with the subject “Honduras and Nicaragua recommendations,” produced by Defendants and bearing Bates number NTPSA2_00002279.

11. Attached hereto as **Exhibit 10** is a true and correct copy of email communications dated between June 10 and July 2, 2025, with the subject “TPS Honduras – Publish signed notice?”, produced by Defendants and bearing Bates number NTPSA2_00001329.

12. Attached hereto as **Exhibit 11** is a true and correct copy of a U.S. Department of Homeland Security Memorandum dated June 5, 2025, titled “USCIS Notice: Termination of the Designation of Honduras for Temporary Protected Status,” produced by Defendants and bearing Bates number NTPSA2_00001014.

13. Attached hereto as **Exhibit 12** is a true and correct copy of a U.S. Department of Homeland Security Memorandum dated June 11, 2025, titled “USCIS Notice: Termination of the Designation of Nicaragua for Temporary Protected Status,” produced by Defendants and bearing Bates number NTPSA2_00001017.

14. Attached hereto as **Exhibit 13** is a true and correct copy of email communications dated between November 13, 2024, and March 12, 2025, with the subject “Inquiry from the field – Honduras TPS SME,” produced by Defendants and bearing Bates number NTPSA2_00003126.

1 15. Attached hereto as **Exhibit 14** is a true and correct copy of email communications
2 dated between February 28 and March 10, 2025, with the subject “TPS research,” produced by
3 Defendants and bearing Bates number NTPSA2_00001522.

4 16. Attached hereto as **Exhibit 15** is a true and correct copy of email communications
5 dated between February 11 and February 21, 2025, with the subject “Draft Decision Memos for
6 South Sudan and Afghanistan | FOR AD Review SCOPS, OCC, RAIO DUE 2/12,” produced by
7 Defendants and bearing Bates number NTPSA2_00002452.

8 17. Attached hereto as **Exhibit 16** is a true and correct copy of email communications
9 dated between December 31, 2024 and February 6, 2025, with the subject “Nicaragua TPS
10 Recommendation,” produced by Defendants and bearing Bates number NTPSA2_00003095.

11 18. Attached hereto as **Exhibit 17** is a true and correct copy of email communications
12 dated between April 24 and April 25, 2025, with the subject “TPS Nic,” produced by Defendants
13 and bearing Bates number NTPSA2_00003090.

14 19. Attached hereto as **Exhibit 18** is a true and correct copy of email communications
15 dated between April 24 and April 28, 2025, with the subject “Close-Hold: TPS Honduras &
16 Nicaragua DM | Comms Now Needed For S1 Decisions,” produced by Defendants and bearing
17 Bates number NTPSA2_00001398.

18 20. Attached hereto as **Exhibit 19** is a true and correct copy of email communications
19 dated between March 10 and March 11, 2025, with the subject “TPS Expiration Date & DOS
20 Reports Due,” produced by Defendants and bearing Bates number NTPSA2_00002501.

21 21. Attached hereto as **Exhibit 20** is a true and correct copy of email communications
22 dated between March 10 and March 11, 2025, with the subject “TPS Expiration Dates & DOS
23 Reports Request,” produced by Defendants and bearing Bates number NTPSA2_00003178.

24 22. Attached hereto as **Exhibit 21** is a true and correct copy of email communications
25 dated between April 7 and April 14, 2025, with the subject “Honduras DM and Attachments for FO
26 Review,” produced by Defendants and bearing Bates number NTPSA2_00001504.

23. Attached hereto as **Exhibit 22** is a true and correct copy of email communications dated April 8, 2025, with the subject “State recommendation for Honduras,” produced by Defendants and bearing Bates number NTPSA2_00002247.

24. Attached hereto as **Exhibit 23** is a true and correct copy of a USCIS Memorandum titled “Temporary Protected Status for Nicaragua” (DRAFT), dated April 23, 2025, produced by Defendants and bearing Bates number NTPSA2_00001873.

25. Attached hereto as **Exhibit 24** is a true and correct copy of email communications dated between March 13 and April 8, 2025, with the subject “Afghanistan TPS letter reminder,” produced by Defendants and bearing Bates number NTPSA2_00003046.

26. Attached hereto as **Exhibit 25** is a true and correct copy of email communications dated between March 10 and April 9, 2025, with the subject “TPS Expiration Dates & DOS Reports Request | Flag for S1’s office,” produced by Defendants and bearing Bates number NTPSA2_00003078.

27. Attached hereto as **Exhibit 26** is a true and correct copy of email communications dated between March 10 and March 12, 2025, with the subject “TPS Expiration Dates & DOS Reports Due,” produced by Defendants and bearing Bates number NTPSA2_00001524.

28. Attached hereto as **Exhibit 27** is a true and correct copy of email communications dated between February 25 and April 10, 2025, with the subject “Outstanding RAIO RU TPS country condition reports,” produced by Defendants and bearing Bates number NTPSA2_00002341.

29. Attached hereto as **Exhibit 28** is a true and correct copy of a draft unsigned Department of State (DOS) Recommendation for TPS Nicaragua, dated April 9, 2025, produced by Defendants and bearing Bates number NTPSA2_00003092.

30. Attached hereto as **Exhibit 29** is a true and correct copy of draft unsigned DOS Recommendation for TPS Cameroon dated April 3, 2025, produced by Defendants and bearing Bates number NTPSA2_00003086.

31. Attached hereto as **Exhibit 30** is a true and correct copy of email communications dated between May 9 and May 12, 2025, with the subject “DHS Attorney Request for TPS Nepal Signed Memo,” produced by Defendants and bearing Bates number NTPSA2_00000265.

32. Attached hereto as **Exhibit 31** is a true and correct copy of email communications dated April 23, 2025, with the subject “TPS Check-in,” produced by Defendants and bearing Bates number NTPSA2_00000718.

33. Attached hereto as **Exhibit 32** is a true and correct copy of email communications dated between February 18 and April 7, 2025, with the subject “TPS Data Pull for Cameroon, Nepal,” produced by Defendants and bearing Bates number NTPSA2_00001775.

34. Attached hereto as **Exhibit 33** is a true and correct copy of email communications dated between March 25 and April 15, 2025, with the subject “TPS Data Pull for Honduras, Nicaragua: Results form FDNS-DS NexGen,” produced by Defendants and bearing Bates number NTPSA2_000000001672.

35. Attached hereto as **Exhibit 34** is a true and correct copy of email communications dated March 11, 2025, with the subject “Data Request: Aliens in Custody and Under OSUP,” produced by Defendants and bearing Bates number NTPSA2_00001792.

36. Attached hereto as **Exhibit 35** is a true and correct copy of email communications dated between February 28 and March 14, 2025, with the subject “TPS research Nepal and Cameroon,” produced by Defendants and bearing Bates number NTPSA2_00003127.

37. Attached hereto as **Exhibit 36** is a true and correct copy of email communications dated between March 21 and March 28, 2025, with the subject “Nepal TPS DM – OCC Comments from AD Review,” produced by Defendants and bearing Bates number NTPSA2_00001496.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of November 2025, at San Francisco, CA.

/s/ Emilou H. MacLean
Emilou H. MacLean